

## FACT SHEET

### National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (MS4s)

DATE: July 12, 2004

FACILITY: This general permit applies to any small MS4 which:

1. is required to obtain NPDES permit coverage for stormwater discharge to waters of the state of Kansas, and
2. is generally located outside of an urbanized area as defined by the United States Census Bureau, and
3. which has successfully completed application for permit coverage.

KANSAS PERMIT No.: M-aann-SNnn

FEDERAL PERMIT No.: KSR044nnn

GENERAL PERMIT No.: G-NUA-0604-SO01

LOCATION: State of Kansas

#### BACKGROUND:

The Federal Water Pollution Control Act (also referred to as the Clean Water Act), which was enacted in 1972, requires point source dischargers of pollutants obtain federal NPDES permits which regulate such discharges. The Clean Water Act amendments of 1987 (referred to as the Water Quality Act) required the U.S. Environmental Protection Agency (EPA) to adopt regulations to require NPDES permits of stormwater dischargers. The purpose of issuing an NPDES general permit for small municipal separate storm sewer systems (MS4s) is to ensure these dischargers are in compliance with applicable state and federal regulations.

The Kansas Department of Health and Environment (KDHE) is the EPA delegated permitting authority for NPDES permits in the state of Kansas. KDHE has elected to issue two general permits for small MS4s. This Fact Sheet addresses the general permit which covers all areas of the state of Kansas with the exception of the urbanized areas as defined by the U. S. Bureau of Census.

The small MS4 permit program addresses MS4s that generally serve populations less than 100,000 in urbanized areas, and those MS4s located outside of urbanized areas that have or may have the potential to negatively impact surface water quality as a result of their discharges. Individual MS4 permits have previously been issued to the medium sized municipalities (Topeka and Unified Government of Kansas City/Wyandotte County) and one large municipality (Wichita) in Kansas. Small municipalities which are required to obtain MS4 NPDES permits are identified in a KDHE designation document (updated June 2004).

PROPOSED ACTION: The proposed action consists of issuance of a general Kansas/NPDES Water Pollution Control permit for small MS4s.

RECEIVING STREAMS: All waters of the state of Kansas.

DESCRIPTION OF PERMIT CONDITIONS:

This permit authorizes discharges of storm water from Municipal Separate Storm Sewer Systems as defined in 40 CFR 122.26 (b)(16). This permit covers all areas within the permittee's municipality.

This general permit requires the permittee develop, implement, and enforce a stormwater management plan designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. This stormwater management plan must include the items listed below.

- A. Best management practices (BMPs) for the six minimum controls. The six minimum control measures include the following:
  - 1. Public Education and Outreach - This includes informing individuals, businesses and organizations as to the impact on surface water quality of contaminated stormwater discharges and how they can help reduce stormwater contamination.
  - 2. Public Participation and Involvement - This includes creating opportunities for individuals and organizations to participate in the development and implementation of best management practices to reduce the contamination of stormwater.
  - 3. Illicit Discharge Detection and Elimination - This includes a program to detect and eliminate illicit wastewater discharges or other non-storm water discharges into the storm sewer system.
  - 4. Construction Site Runoff Control - This includes a program to require erosion and sediment controls for sites disturbing one or more acres.
  - 5. Post-construction Runoff Control - This includes a program requiring the development, implementation and maintenance of controls on sites after development and redevelopment to address storm water pollutants and flow issues.
  - 6. Housekeeping and Pollution Prevention - This includes a program to minimize pollutants from municipal operations such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance
- B. BMPs must be implemented for any KDHE selected high priority Total Maximum Daily Load (TMDL) regulated parameters associated with impaired streams and lakes in the immediate region downstream of the municipality. The selected TMDL regulated parameters and the associated impaired stream or lake will be listed in the permit. These BMPs, are intended to attenuate the discharge of high priority TMDL regulated parameters and are to be implemented within the municipality wherever stormwater drains to the associated impaired stream or lake.

- C. The permittee is required to submit an annual report to KDHE to document compliance with the permit, results of information collected and analyzed, if any, during the previous year, a summary of the stormwater activities which are scheduled to be undertaken during the next reporting cycle, and a list of other municipalities/contractors, if any, which will be responsible for implementing any of the program areas of the stormwater management program.
- D. The permit contains other requirements regarding updating of the stormwater management plan, developing and monitoring measurable goals associated with the BMPs, and record keeping.

Numerical effluent limits and discharge monitoring requirements are not required by this general permit. Effluent limits are established in the general permit in the form of stormwater best management practices, which are intended to minimize the discharge of contaminated stormwater to surface waters of the state to the maximum extent practicable. The federal regulation 40 CFR 122.44(k) allows an NPDES permit to include BMPs when numeric effluent limitations are infeasible or the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the Clean Water Act.

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